

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
TUESDAY, SEPTEMBER 6, 2005  
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Ray Stevens  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Trish Owen, Chief Deputy County Clerk  
Melissa Koci, County Clerk's Office

The Chair opened the meeting at 8:32 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,  
SEPTEMBER 1, 2005**

The minutes were not available for review.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 TRANSFER OF DEVELOPMENT RIGHTS - Marvin Krout, Planning Director;  
Mike DeKalb, Planner**

Mike DeKalb appeared and indicated there has been some discussion regarding the transfer of development rights and the County Attorney advised having a Statutory change in the legislation. He said some language was put together and it would be called a non-contiguous CUP, which would include the community unit plan along with the current package that is in place today. DeKalb said today it all has to be contiguous, which means it all has to be within the same section. He said with the language they would like to add, it would allow people to transfer units within 2 or 3 miles of a clustered subdivision.

Kristy Mundt appeared and said the legal opinion to the Board states that the County Attorney believes it is still a type of TDR Program and they suggested enabling legislation for such a program so there aren't any legal challenges to whether or not they have the authority to do something like this.

Stevens asked if there is a contiguous CUP where they can transfer development rights from one owner's property to the contiguous owner's property.

Marvin Krout, Planning Director, said it is currently happening and it is voluntary, however the classical transfer of development rights is much more complicated and does involve reducing the rights of some property owners and giving them the right instead to sell their rights to somebody else, but they can't build under those rights.

Workman asked about other states and what they are doing.

Mundt said there are 24 other states that have specific legislation enabling TDR Programs that range from mandatory to voluntary and 5 other states have proposed legislation to authorize TDR Programs.

Krout said the whole idea of transferring development rights is a way to protect without just down zoning property and taking value away, and it's also a way to get something back.

DeKalb noted the plan allows for more flexibility to the immediate area and it broadens the CUP to multiple miles.

Stevens said he also sees it as an advantage to government, for instance a person has 700 acres and sells the development rights to someone else, the value of the property will be reduced and may give government an opportunity to buy it for a public use. If the Board allows the owner to sell the development rights to someone else, the cost will be less and it won't impact the tax base.

Krout noted they should also be discussing the 3-mile perimeter.

Stevens asked if the City would be interested in this kind of a program or could they be within the 3-mile limit. He wondered if legislation were drafted to enable the County to do this on a trial basis and have Planning, County Attorney and Register of Deeds work on the kind of legislation they might want to come out of this. Stevens suggested trying it on AG zoned area and instead of over a 3-mile, it would be over a 1-mile area.

Krout suggested asking the County Attorney's help in drawing up something broad and then the Board can decide whether or not the amendment to the County zoning resolution is narrow or not.

Mundt concurred with Krout and said it is very important that when the amendment to the zoning is done a public hearing be held.

Stevens said if they are talking about AG zoned land and a bonus of 20%, 40% or 60% or whatever it might be on a transfer of development rights, the receiving landowners around the area that is going to be developed at a higher density can object, but the owner of the additional parcel could come in and ask for AGR.

Schorr asked how long it would take to get the legislation before the Unicameral.

The Board agreed that it could take anywhere from 6 months to a year to get the legislation passed.

Krout said the communities that have successfully implemented the plan hold the line on rezoning to a higher density because no one would use this tool if they thought they could just get AGR zoning.

Rob Ogden, Chief Deputy County Assessor/Register of Deeds, appeared and indicated his office just needs to know the path of ownership change so they know which pieces of land have given up their development rights because it effects the value.

**MOTION:** Stevens moved and Schorr seconded to ask Planning and the County Attorney's Office to work with the Legislative Consultant about drafting some potential legislation regarding transfer of development rights and continue the discussion at a later date.

Schorr suggested having a public hearing to get some input from the development community after the legislation has been drawn up.

**ROLL CALL:** Stevens, Workman, Schorr and Hudkins voted aye. Heier abstained.  
Motion carried.

## **8 DISCUSSION OF BOARD MEMBER MEETINGS**

### **A. Parks and Rec Advisory Committee - Stevens**

Stevens did not attend the meeting.

### **B. LPED Investors - Hudkins**

Hudkins reported Richard Baier indicated there will be a lot of bills passed by the Legislature this year and some will have an impact to Lancaster County with a major one being an exemption of property tax on manufacturing equipment.

Hudkins noted they were very thankful Lincoln had an additional industrial tract of 200 acres which has been identified on West "O" Street along 56<sup>th</sup> Street and currently Nebraska Machinery and Lincoln Poultry are building out there. He also said the sewer system was upsized on West "O" Street and the blight study has been extended.

Hudkins also reported he attended the Arena Task Force meeting last week and they discussed the replacement of Pershing Auditorium with an arena. He said there was a lot of talk about a hard surface, a soft surface and an arena which would house sports from UNL. Hudkins said the committee wanted to know the options for funding this type of a facility and it was decided they would probably have to form a Joint Public Agency.

The Board agreed to have Doug Ahlberg, Emergency Management Director, come give a presentation at the Management Team meeting on the Gulf Crisis.

The Board also agreed that because of the crisis on the Gulf Coast, it will probably have an effect on Lancaster County and the budget.

## **ADJOURNMENT**

**MOTION:** Stevens moved and Heier seconded to adjourn the meeting at 9:37 a.m. Heier, Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk